

REMARKS

In the Official Action dated March 15, 2005, Claims 5-20 were objected as to form. (The Official Action did not explain the exact nature of the objection.) Also in the Official Action, Claims 1-4 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent 5,699,601 to Gilliam et al. (herein "Gilliam").

In response to the Official Action, Claims 5-20 have been amended to eliminate multiple dependent claims that form the basis for other multiple dependent claims. In addition, Claims 1-3 have been amended to more particularly point out the subject invention.

The subject invention is directed to a two part locking mechanism wherein the first part has a recess that includes holding surface and a bottom surface and the second part defines a tongue that cooperates with the holding surface of the first part to secure the first and second parts together. The first and second parts are releasable by moving the tongue toward the bottom surface of the first part until the holding surface of the tongue disengages from the first part. A blocking element is located between the tongue and the bottom surface of the recess and is connected to either the tongue or the bottom surface. When the blocking element is present between the tongue and the bottom surface, the tongue cannot be depressed toward the bottom surface sufficiently to disengage the tongue from the holding surface so that the first and second parts remain locked together. When the blocking element is severed from the tongue or the bottom surface and removed from between them, the tongue can be depressed sufficiently toward the bottom surface so as to disengage the tongue and the holding surface and allow the two parts to separate from each other.

Claims 1-20 as presently amended are patentable over the cited references in that, among other reasons, they require a "blocking element being severably secured to one of said tongue or said bottom surface of said recess by a connector that is severable to remove said blocking element from said tongue or said bottom surface". Gilliam does not describe or suggest such structure.

Gilliam is directed to a fastener assembly whereby first and second housing members are connected together. The second housing member (14) defines a groove (32) and the first housing member defines a tongue (16) that mates with groove (32). The surface features of groove (32) and tongue (16) are complementary such that they maintain an airtight seal at times when the first and second housing members are held together by the engagement of a locking member (54) in a loop (22).

Unlike the subject invention, locking member (54) is not deflected toward the first housing member to lock the two housing members together. Instead, locking member (54) is forced through loop (22) to deform loop (22) and thereby allow passage of locking member (54) therethrough. After locking member (54) has passed through loop (22), loop (22) elastically snaps back to its non-deformed shape. Locking member (54) includes a surface that is normal to the direction of travel of locking member (54) through loop (22). When loop (22) snaps back to its non-deformed shape, the normal surface of locking member (54) engages the opposing surface of loop (22) to prevent the return of locking member (54) through loop (22). To accomplish the disengagement of locking member (54) and loop (22), a special tool is used to deform loop (22) until it no longer opposes the normal surface of locking member (54).

In contrast to the presently disclosed invention, locking member (54) in Gilliam is not deflected toward the first housing member (12) to release the first and second housing members. To prevent this movement, first housing member (12) includes reinforcing ribs (26) that prevent the deflection of locking member (54) toward the first housing member. Unlike the blocking element of the subject invention, reinforcing ribs (26) remain present at all times to prevent the deflection of locking member (54). Reinforcing ribs (26) are not removable and are not intended to be removed from the assembly in Gilliam. Thus, Gilliam actually teaches away from the presently claimed invention which requires that the blocking element is severed from the assembly of the subject invention to allow the first and second parts to disengage!

According to Gilliam, after the two housing members have been disengaged, the reinforcing ribs (26) are still present. When the two members are re-assembled, the reinforcing ribs (26) will again function to prevent the movement of the locking member (54) toward the first housing member. On the contrary, according to the subject invention, after the blocking element is severed from the first or second parts, it remains absent from the assemblage. When the first and second parts of the subject invention are re-assembled, there is no blocking element and the first and second parts are manually disassembled merely by depressing the tongue without any special tools.

In this way, the absence of the blocking element in the presently disclosed invention is an indicator that the locking mechanism has been previously opened. Thus, the disclosed locking mechanism is a useful indicator of tampering at a retail point-of-purchase. In contrast, Gilliam

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affords no such convenient indicator and requires the use of tools to open the fastener assembly in each instance.

The Applicant has carefully reviewed the references that were cited in the last Official Action but not specifically applied against the claims. However, those references are not seen to make the presently claimed invention unpatentable.

In accordance with the forgoing amendments to the claims and in view of the above remarks, it is respectfully submitted that Claims 1-20, as presently amended, are allowable and such allowance is hereby respectfully requested.

Respectfully submitted,

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